

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

ANTHONY GATTINERI,

Plaintiff

v.

WYNN MA, LLC and WYNN RESORTS,  
LIMITED,

Defendants

Civil Action No. 1:18-cv-11229

WYNN MA, LLC,

Plaintiff-in-Counterclaim,

v.

ANTHONY GATTINERI,

Defendant-in-Counterclaim.

**JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1**

Plaintiff/Defendant-in-Counterclaim Anthony Gattineri, Defendant/Plaintiff-in-Counterclaim Wynn MA, LLC (“Encore”), and Defendant Wynn Resorts, Limited (“Wynn”) (collectively, the “Parties”) hereby submit this Joint Statement pursuant to Local Rule 16.1. Counsel for the Parties conferred on October 2, 2018, concerning all matters set forth herein and have agreed upon this Joint Statement.

**I. Proposed Agenda of Matters to be Discussed at Scheduling Conference**

1. Schedule
2. Proposed Electronically Stored Information (“ESI”) Plan

## II. Proposed Joint Discovery Plan, Motion Schedule, and Conference / Hearing Schedule

The Parties have agreed to a proposed joint discovery plan, motion schedule and hearing schedule, as set forth below:

EVENT		PROPOSED DEADLINE
(1)	Parties to serve initial disclosure pursuant to Fed. R. Civ. P. 26(a)(1):	October 10, 2018 <sup>1/</sup>
(2)	Parties agree to serve initial Requests for Production of Documents:	November 6, 2018
(3)	Parties to complete fact (i.e., non-expert) discovery, including written discovery and depositions: <ul style="list-style-type: none"> <li>Depositions of current Encore and Wynn Resorts employees to be completed on or before May 3, 2019.</li> </ul>	June 21, 2019
(4)	Plaintiff's expert report(s) completed and disclosed:	July 12, 2019
(5)	Defendant's expert report(s) completed and disclosed:	July 26, 2019
(6)	Parties to complete expert discovery:	August 23, 2019
(7)	Additional scheduling and status conferences:	As needed.
(8)	Parties to file dispositive motions (e.g. motions for summary judgment, partial summary judgment, and motions for judgment on the pleadings):	October 11, 2019
(9)	Parties to file oppositions to dispositive motions or cross motions:	In accordance with Fed. R. Civ. P.  Or  November 8, 2019
(10)	Opposition to Cross Motions (if any)	December 6, 2019
(11)	Hearing on dispositive motions:	Per Court's schedule.
(12)	Parties to file trial motions:	Not less than 7 days before trial.

<sup>1/</sup> The Parties exchanged Initial Disclosures prior to the filing of this Joint Statement.

	<b>DISCOVERY LIMIT</b>	<b>AGREEMENT?</b>
(13)	The Parties agree to the discovery limitations set forth in Fed. R. Civ. P. 33 and Local Rule 26.1(c). <sup>2/</sup>	Yes
(14)	Electronically stored information (ESI): The Parties are discussing agreeing to execute an ESI Protocol, which would outline the specific parameters of ESI production(s).	TBD

### **III. Trial by Magistrate Judge**

The Parties do not consent to trial of this action by a Magistrate Judge.

### **IV. Settlement Proposal**

As of the date of this document, the Parties are unable to agree to settlement.

### **V. Certifications of the Parties and Counsel**

The Parties will confer with their clients pursuant to Local Rule 16.1(D)(3) and will file their respective Certifications before the Scheduling Conference.

### **VI. Alternative Dispute Resolution**

The Parties have been unable to agree to participate in an alternative dispute resolution.

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<sup>2/</sup> The Parties reserve the right to seek leave under 26.2(c) to take additional depositions, interrogatories, or requests for production of documents.

Respectfully Submitted,

**ANTHONY GATTINERI,**

By His Attorneys,

/s/ Todd Gordon

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**WYNN MA, LLC and WYNN RESORTS,  
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By Their Attorneys,

/s/ Samuel M. Starr

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Dated: October 16, 2018

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing *Joint Statement Pursuant to Local Rule 16.1*, filed through the ECF system on October 16, 2018, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants via U.S. Mail.

/s/ Samuel M. Starr

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